FEDERAL REGISTER

VOLUME 13 NUMBER 102

Washington, Tuesday, May 25, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9962

REGULATIONS GOVERNING THE PAYMENT OF SALARIES AND COMPENSATION OF FEDERAL EMPLOYEES OUTSIDE THE CONTINENTAL UNITED STATES OR IN ALASKA

By virtue of the authority vested in me by section 207 of the Independent Offices Appropriation Act, 1949, approved April 20, 1948 (Public Law 491, 80th Congress), and as President of the United States, it is hereby ordered that, until such time as appropriate general regulations are prescribed with respect thereto, the payment of salaries and compensation of persons subject to the provisions of section 207 of the aforesaid act who are employed by the Federal Government outside the continental United States or in Alaska shall be made by the several executive departments, independent establishments, and corporations in accordance with the regulations and practices in effect in their respective organizations immediately prior to April 20, 1948: *Provided, however* That in no case shall the rates of pay exceed by more than 25 per centum the rates of pay for the same or similar services of persons employed by the Government in the continental United States: *And Provided further,* That no such salary or compensation shall exceed the maximum provided by the Classification Act of 1923, as amended.

This order shall be effective as of April 20, 1948, and shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 24, 1948.

[F. R. Doc. 48-4737; Filed, May 24, 1948; 11:09 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Tobacco 13, Part II (1948)]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, BURLEY AND FLUE-CURED TOBACCO, 1948–49 MARKETING YEAR

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

AUTHORITY: §§ 725.430 to 725.460, inclusive, issued under 52 Stat. 38, 40, 42, 47, 48, 65, 66, 202, 204, 586; 53 Stat. 1261, 1262; 54 Stat. 393, 394, 727, 728; 57 Stat. 387; 58 Stat. 136; 60 Stat. 21; 7 U. S. C. 1301–1393.

GENERAL

§ 725.430 *Basis and purpose.* Sections 725.430 to 725.460, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records

and reports incident thereto on the marketing of Burley and flue-cured tobacco during the 1948–49 marketing years. Prior to preparing §§ 725.430 to 725.460, inclusive, public notice (13 F. R. 1456) of their formulation was given in accordance with the Administrative Procedure Act (60 Stat. 237) The data, views and recommendations pertaining to §§ 725.430 to 725.460, inclusive, which were submitted have been duly considered within the limits prescribed by the Act, in formulating the procedural provisions of §§ 725.430 to 725.460, inclusive.

§ 725.431 *Definitions.* As used in §§ 725.430 to 725.460, inclusive, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(c) "Dealer or buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(d) "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(e) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(f) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(g) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(h) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.430 to 725.460, inclusive, relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Person" means an individual, parnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(m) "Pick-ups" means (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously marketed at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman.

(n) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(o) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(p) "Resale" means the disposition by sale, barter, exchange or gift inter vivos, of tobacco which has been marketed previously.

(q) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(r) "Scrap tobacco" means the residue which accumulates in the course of preparing flue-cured tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(s) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(t) "State Committee" means the group of persons designated as the State Committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(u) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(v) "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(w) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1948 and all tobacco produced on the farm prior to the calendar year 1948 and carried over to the 1948–49 marketing year, which is not disposed of in accordance with § 725.443.

(x) "Tobacco subject to marketing quotas" means:

(1) Any Burley tobacco marketed during the period October 1, 1948 to September 30, 1949, inclusive, and any Burley tobacco produced in the calendar year 1948 and marketed prior to October 1, 1948.

(2) Any flue-cured tobacco marketed during the period July 1, 1948 to June 30, 1949, inclusive, and any flue-cured tobacco produced in the calendar year 1948 and marketed prior to July 1, 1948.

(y) "Trucker" means a person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(z) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse.

(aa) "Warehouse sale" means a marketing by a sale at public auction through a warehouse in the regular course of business.

§ 725.432 *Instructions and forms.* The Director shall cause to be prepared and issued such instructions and forms as may be necessary for carrying out §§ 725.430 to 725.460, inclusive.

§ 725.433 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1948 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 725.434 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment,

as established for the farm in accordance with §§ 725.411 to 725.427, inclusive, Tobacco 13, Part I, Burley and Fluecured Tobacco Marketing Quota Regulations, 1948–49, as amended (12 F R. 5501, 12 F R. 8401) The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1948 times the farm acreage allotment.

The excess tobacco on any farm shall be (a) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1948 times the number of acres harvested in excess of the farm acreage allotment, plus (b) any quantity of tobacco carried over from a prior marketing year which, if marketed during the 1947–48 marketing year, would have been subject to penalty when marketed. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm, as provided in § 725.436, shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

§ 725.435 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 725.436 *Issuance of marketing cards.* A marketing card shall be issued for every farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been reported to the county committee as having been lost, destroyed, or stolen.

(a) *Within Quota Marketing Card (Tobacco 20)* A Within Quota Marketing Card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1948 is not in excess of the farm acreage allotment and any excess tobacco carried over from any prior marketing year can be marketed without penalty under the provisions of § 725.442 (b)

(2) If excess tobacco produced on the farm is disposed of in accordance with § 725.443, or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State Committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (Tobacco 21)* An Excess Marketing Card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if (1) the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 725.445.

§ 725.437 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided,* That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 725.438 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 725.439 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 725.440 *Invalid cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible; or

(d) Any erasure or alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant) the farm operator, or the person having the card in his possession, shall return it to the county office at which it was issued.

If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 725.441 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the State Committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 725.442 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm have no "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.443 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1948 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph)

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph)

(6) The burden of any penalty with respect to "carry-over" tobacco shall be borne by those persons having an interest in such tobacco.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 725.443 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1948 crop produced

on the farm, and posting of a bond approved by the county committee and the State Committee in the penal sum of twice the amount of penalty which will become due upon the marketing of the excess tobacco.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 725.444 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1948 marketing card (Tobacco 20 or Tobacco 21) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale)

(a) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed within four weeks after such sale day, the marketing shall be identified by Tobacco 28, Sale Without Marketing Card as a marketing of excess tobacco. The memorandum of sale or Tobacco 28 shall be executed only by a field assistant with the following exceptions.

(1) A warehouseman, or his representative, who has been authorized on Tobacco 23, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agent or employees) or at an auction warehouse, who keeps records showing the information specified in § 725.452, and who has been authorized on Tobacco 23, may issue a memoradum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

The authorization on Tobacco 23 to issue memoranda of sale may be withdrawn by the State Committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.430 to 725.460, inclusive. The authorization shall terminate upon receipt of written notice setting forth the State Committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer, (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

The word "scrap" shall be plainly written on any bill of nonwarehouse sale or memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person at a scrap receiving point who is authorized to issue memoranda of sale.

Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in Tobacco 25.

§ 725.445 *Rate of penalty.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be nineteen (19) cents per pound in the case of Burley tobacco and sixteen (16) cents per pound in the case of flue-cured tobacco.

With respect to tobacco marketed from farms having excess tobacco available for marketing the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 725.446 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.447 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco.

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale within four weeks following the date of marketing shall be identified by a Tobacco 28, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in Tobacco 25 within one week following the date of purchase, or if purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in Tobacco 25 within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.430 to 725.460, inclusive, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on Tobacco 25 shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director, showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 725.430 to 725.460, inclusive, is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 725.430 to 725.460, inclusive, shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1948 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 725.448 *Payment of penalty.* Penalties shall become due at the time the tobacco is marketed and shall be paid by remitting the amount thereof to the State Committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check

drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.430 to 725.460, inclusive, is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges) the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (a) advances to producers, (b) charges for hauling, or (c) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

§ 725.449 *Request for return of penalty.* Any producer of tobacco, after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.430 to 725.460, inclusive, to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 725.450 *Producer's records and reports*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1948 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise and the allotment next established for such farm shall be reduced.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 725.430 to 725.460, inclusive, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 10 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced.

§ 725.451 *Warehouseman's records and reports*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Director the following information with respect to each sale or resale of tobacco made at his warehouse:

(1) Name of seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced)

(2) Name of purchaser.

(3) Date of sale.

(4) Number of pounds sold.

(5) Gross sale price.

(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 725.431 (m)

Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from a farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended", write thereon the serial number of the suspended sale, and record the bills on Tobacco 29, Field Assistant's Report: *Provided,* That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall enter on Tobacco 25 the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1948 the entry on Tobacco 25 shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on Tobacco 25, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales)

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

The county copy of each memorandum of sale issued to identify each purchase under subparagraph (1) of this paragraph shall accompany the report on which such purchase is recorded.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State Committee not later than thirty (30) days following the last sale day of the marketing season a report on Tobacco 26, Auction Warehouse Report, showing for each dealer or buyer (1) the total pounds and gross price of tobacco purchased and resold on the warehouse floor during the 1948–49 marketing year and (2) the total pounds and gross price of tobacco purchased and resold by such warehouseman during the 1948–49 marketing year.

(h) *Report of penalties.* Each warehouseman shall make reports on Tobacco 27, Report of Penalties, showing the information required with respect to each sale subject to penalty. Tobacco 27 shall be prepared for each week and forwarded, together with remittance of the penalties due, as shown thereon, to the State Committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on Tobacco 32, Report of Resales, showing the information required with respect to each resale of tobacco at auction on the warehouse floor. Tobacco 32 shall be prepared for each sale day and forwarded to

the State Committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 725.430 to 725.460, inclusive.

§ 725.452 *Dealer's records and reports.* Each dealer, except as provided in § 725.453, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the State Committee "Receipts for Dealer's Record" contained in Tobacco 25 which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Tobacco 25, Dealer's Record, showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1948 the fact that such tobacco was bought by him and carried over from a crop produced prior to 1948.

(c) *Report of penalties.* Each dealer shall make a report on Tobacco 27, Report of Penalties, showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1948 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

(e) *Record and report of scrap tobacco.* Each dealer operating a receiving point for scrap tobacco who has been authorized on Tobacco 23 to issue memoranda of sale, shall keep a record and make reports on Tobacco 25 showing all tobacco received. Such reports shall be accompanied by memoranda of sale and bills of nonwarehouse sale with respect to all tobacco covered by the reports.

(f) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the Director the following information with respect to each lot of tobacco purchased or sold by him:

(1) Name of the seller, and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced.

(2) Name of the purchaser.

(3) Date of the transaction.

(4) Number of pounds sold.

(5) Gross purchases or sale price.

(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

(7) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1948 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State Committee not later than the end of the week following the calendar week covered by the reports.

§ 725.453 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 725.452; but each such dealer shall make such reports to the Director, as he may find necessary to enforce §§ 725.430 to 725.460, inclusive.

§ 725.454 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Director a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged in the business of redrying, prizing, and stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director, as he may find necessary to enforce §§ 725.430 to 725.460, inclusive.

§ 725.455 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.456 *Failure to keep records or make reports.* Any warehouseman, dealer, processor or common carrier of tobacco, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 725.430 to 725.460, inclusive, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director.

§ 725.457 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing, or stemming tobacco for producers shall make available for examination upon written request by the State Committee or Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State Committee or Director has reason to believe are relevant and are within the control of such person.

§ 725.458 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 725.430 to 725.460, inclusive, for the 1948–49 marketing year shall be kept by him until June 30, 1951, in the case of flue-cured tobacco and September 30, 1951, in the case of Burley tobacco. Records shall be kept for such longer period of time as may be requested in writing by the Director.

§ 725.459 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.430 to 725.460, inclusive, shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of county committees and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 725.460 *Redelegation of authority.* Any authority delegated to the State Committee by §§ 725.430 to 725.460, inclusive, may be redelegated by the State Committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 19th day of May 1948. Witness my hand and

the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-4649; Filed, May 24, 1948; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 974—MILK IN COLUMBUS, OHIO, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Columbus, Ohio, milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

a. The provision "and condensed skim milk" set forth in § 974.4 (b) (3) of the order and the application of § 974.4 (c) (2) to such condensed skim milk disposed of to a person not a handler do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order from the effective date hereof through July 1948.

b. In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) notice of proposed rule making, public procedure thereon, and 30 days prior notice of the effective date hereof are found to be impracticable, unnecessary, and contrary to the public interest in that it is necessary to issue immediately and make effective at once this suspension order to reflect current marketing conditions, to facilitate, promote, and maintain the orderly marketing of milk produced for the Columbus, Ohio, milk marketing area. In the present emergency this suspension action is necessary immediately to facilitate the handling, storage, and sale of excess skim milk during the present flush production season. The changes caused by this suspension do not require of persons affected substantial or extensive preparation prior to the effective date and will tend to relieve restriction.

It is therefore ordered, That the provision "and condensed skim milk" set forth in § 974.4 (b) (3) of the order and the application of § 974.4 (c) (2) to such condensed skim milk disposed of to a person not a handler be and they hereby are suspended with respect to all milk subject to the provisions of the order from the effective date of this order through July 1948.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 61 Stat. 707; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 19th day of May 1948, to be effective immediately.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-4648; Filed, May 24, 1948; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-321]

PART 04—AIRPLANE AIRWORTHINESS

PAGE 27—AIRCRAFT DISPATCHER CERTIFICATES

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIER RULES

RESCISSION OF OBSOLETE SPECIAL CIVIL AIR REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1948.

A number of Special Civil Air Regulations have been adopted by the Civil Aeronautics Board for regulatory purposes which were of a temporary nature and of indefinite duration. Many of these regulations do not bear a termination date. Since they are no longer necessary or practically effective, it is desirable that they be rescinded.

Since this regulation is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the regulation may be made effective without prior notice.

The Civil Aeronautics Board hereby rescinds:

Special Civil Air Regs. Serial Nos.	Part or section affected	F. R. page
93	60	5 F. R. 2696.
177	60	6 F. R. 3941.
182	61.3220 61.3230	6 F. R. 4361.
198	40, 60	6 F. R. 6582.
199	61	6 F. R. 6321.
205	40.2611	7 F. R. 1123.
217	40.2611	7 F. R. 2756.
218	40.2611	7 F. R. 2827.
219	61.342	7 F. R. 3503.
228	04.710	7 F. R. 4509.
233	04	7 F. R. 6030.
237	61.3220 61.3230	7 F. R. 6632.
264	40.2611	8 F. R. 2819.
273	40.2611	8 F. R. 5831.
276	40.2611	8 F. R. 8049.
282	40.2611	8 F. R. 11201.
292	40.2611	8 F. R. 16100.
297	40.2611	8 F. R. 17504.
299	40.2611	9 F. R. 592.
300	27	9 F. R. 959.
301	40.2611	9 F. R. 1049.
302	61.5130	9 F. R. 1591.
309	40.2611	9 F. R. 6501.
310	40.2611	9 F. R. 6700.
312	40.2611	9 F. R. 7366.
315	40.2611	9 F. R. 9039.
317	40.2611	9 F. R. 9526.
321	40.2611	9 F. R. 10625.
324	40.2611	9 F. R. 12997.
330	40.2611	10 F. R. 1363.
332	04.71	10 F. R. 1929.
395		Not published.

NOTE: The following Special Civil Air Regulations are presently effective: Serial Numbers 188, 340, 340-D, 361-A, 361-D, 396, 397, 397-A, 398, SR-317, and SR-320.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a))

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-4682; Filed, May 24, 1948; 8:53 a. m.]

[Civil Air Reg., Amdt. 20-9]

PART 20—PILOT CERTIFICATES

ISSUANCE OF PILOT CERTIFICATE AND RATINGS ON THE BASIS OF MILITARY COMPETENCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1948.

Section 20.56 of the Civil Air Regulations presently provides that a person who has been honorably discharged or released from active duty in the armed forces may apply for a pilot certificate on the basis of military competence, if he applies within 12 calendar months from date of his military service. This regulation may be interpreted to permit a reserve officer after being on active duty with the armed forces for a period of only two weeks to apply for a pilot certificate with a commercial rating even though he had not been on active duty as a rated pilot on solo flying status during that period and had obtained his flight training several years prior to his active duty period.

The purpose of this amendment is to provide that a pilot certificate with a private rating may be issued on the basis of military competence, if the applicant is a member of the armed forces or has been honorably discharged or released from such service: *Provided,* That he has had at least 10 hours of solo flying in military aircraft within the preceding 12 calendar months. *It is further provided,* That a pilot certificate with a commercial rating may be issued on the basis of military competence (1) when the applicant is a member of the armed forces and has been on active duty as a rated pilot on solo flying status for a period of at least 6 consecutive months immediately preceding application or (2) when the applicant, after honorable discharge or release from the armed forces, has served for 6 consecutive months on solo flying status as a rated pilot within the 18 months preceding his application. These amendments are designed to establish standards for the issuance of a pilot certificate on the basis of military competence comparable to those established by the Civil Air Regulations for a regularly issued pilot certificate.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR, Part 20, as amended) effective June 22, 1948:

1. By amending § 20.56 to read as follows:

§ 20.56 *Military competence.* Certificates granted on the basis of military competence shall be issued under the following conditions.

2. By rescinding § 20.560.

3. By amending § 20.561 to read as follows:

§ 20.561 *Private pilot rating.* An applicant for a pilot certificate with a private pilot rating on the basis of military competence shall be deemed to have met

the aeronautical knowledge, experience, and skill requirements of the Civil Air Regulations for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of the Civil Air Regulations and presents reliable documentary evidence showing:

(a) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services of such forces, and is on solo flying status as a rated pilot or the equivalent, or

(b) That he has been honorably discharged or released from such forces and has had at least 10 hours of solo flying in military aircraft within the preceding 12 calendar months.

4. By adding §§ 20.562 through 20.564 to read as follows:

§ 20.562 *Commercial pilot rating.* An applicant for a pilot certificate with a commercial pilot rating on the basis of military competence shall be deemed to have met the aeronautical knowledge, experience, and skill requirements of the Civil Air Regulations for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of the Civil Air Regulations and presents reliable documentary evidence showing:

(a) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services of such forces and that he has been on active duty on solo flying status as a rated pilot or the equivalent for a period of at least 6 consecutive months immediately preceding application, or

(b) That he has been honorably discharged or released from such forces and had been on active duty of the type specified in paragraph (a) of this section for a period of at least 6 consecutive months within 18 months immediately preceding application.

§ 20.563 *Aircraft type and class rating.* Aircraft type and class ratings will be issued with a pilot certificate issued on the basis of military competence, or with an effective pilot certificate, to an applicant who presents reliable documentary evidence showing that within the preceding 12 months he has had at least 10 hours of flying time in military aircraft during which time he was the first pilot or the sale manipulator of the controls of an aircraft of the type and class for which a rating is sought.

§ 20.564 *Instrument rating.* An instrument rating will be issued to an applicant who holds a currently effective military instrument rating, if the requirements for the issuance of such a rating and the privileges authorized by it are not less than those of the Civil Air Regulations with respect to such rating.

(Secs. 205 (a) 601, 602, 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a) 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-4694; Filed, May 24, 1948; 9:09 a. m.]

[Civil Air Regs., Amdt. 22-3]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

ISSUANCE OF LIGHTER-THAN-AIR PILOT CERTIFICATE ON THE BASIS OF MILITARY COMPETENCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1948.

Sections 22.118 and 22.129 of the Civil Air Regulations presently provide that a person who has been honorably discharged or released from active duty in the armed forces may apply for a lighter-than-air pilot certificate on the basis of military competence, if he applies within 12 calendar months from date of his military service. This regulation may be interpreted to permit a reserve officer after being on active duty with the armed forces for a period of only two weeks to apply for a commercial lighter-than-air pilot certificate even though he had not been on active duty as a rated lighter-than-air pilot on solo flying status during that period and had obtained his flight training several years prior to his active duty period.

This amendment provides that a private lighter-than-air pilot certificate may be issued on the basis of military competence, if the applicant is a member of the armed forces or has been honorably discharged or released from military service: *Provided,* That he has had at least 10 hours as sole manipulator of the controls of a military lighter-than-air aircraft within the preceding 12 calendar months. It further provides that a commercial lighter-than-air pilot certificate may be issued on the basis of military competence (1) when the applicant is a member of the armed forces and has been on active duty as a rated lighter-than-air pilot on solo flying status for a period of at least 6 consecutive months immediately preceding application or (2) when the applicant, after honorable discharge or release from the armed forces, has served for 6 consecutive months on solo flying status as a rated lighter-than-air pilot within the 18 months preceding his application. These amendments are designed to establish standards for the issuance of a lighter-than-air pilot certificate on the basis of military competence comparable to those established by the Civil Air Regulations for a regularly issued lighter-than-air pilot certificate.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR, Part 22, as amended) effective June 22, 1948:

1. By amending § 22.118 to read as follows:

§ 22.118 *Military competence.* An applicant for a private lighter-than-air pilot certificate on the basis of military competence shall be deemed to have met the aeronautical knowledge, experience, and skill requirements of the Civil Air Regulations for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of the Civil Air Regulations and presents reliable documentary evidence showing:

(a) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services of such forces, and is on solo flying status as a rated lighter-than-air pilot or the equivalent, or

(b) That he has been honorably discharged or released from such forces and has had at least 10 hours as sole manipulator of the controls of a military lighter-than-air aircraft within the preceding 12 months.

2. By amending § 22.129 to read as follows:

§ 22.129 *Military competence.* An applicant for a commercial lighter-than-air pilot certificate on the basis of military competence shall be deemed to have met the aeronautical knowledge, experience, and skill requirements of the Civil Air Regulations for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of the Civil Air Regulations and presents reliable documentary evidence showing:

(a) That he is a member of the armed forces of the United States and that he has been on active duty on solo flying status as a rated lighter-than-air pilot with unlimited instrument privileges for a period of at least 6 consecutive months immediately preceding application, or

(b) That he has been honorably discharged or released from such forces and had been on active duty of the type specified in paragraph (a) of this section for the period of at least 6 consecutive months within 18 months immediately preceding application.

(Secs. 205 (a) 601, 602, 52 Stat. 984; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-4695; Filed, May 24, 1948; 9:09 a. m.]

[Civil Air Regs., Amdt. 41-21]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

COCKPIT CHECK LIST

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of May 1948.

Civil Air Regulations Amendment 41-20 (13 F. R. 2159) adopted by the Civil Aeronautics Board April 16, 1948, effective May 20, 1948, provided that each air carrier shall provide and maintain cockpit check lists and procedures for all aircraft operated in air transportation (§ 41.29).

Certain administrative difficulties involving the interpretation and application of this amendment have resulted in delaying the air carriers in fully complying with the regulation by its present effective date. We are advised that an additional period of 60 days will allow a sufficient period of time for full compliance with this requirement.

This amendment therefore extends the date on which cockpit check lists are to be required until July 19, 1948.

For the reasons stated above notice and public procedures hereon are impracticable. Since no additional burden is imposed on any persons, the amendment may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of Amendment 41–20 of Part 41 of the Civil Air Regulations (14 CFR, Part 41, as amended) from May 20, 1948, to July 19, 1948.

(Secs. 205 (a) 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-4679; Filed, May 24, 1948; 8:53 a. m.]

[Civil Air Regs., Amdt. 42–10]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

COCKPIT CHECK LIST

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of May 1948.

Civil Air Regulations Amendment 42–9 (13 F R. 2159) adopted by the Civil Aeronautics Board April 16, 1948, effective May 20, 1948, provided that each air carrier shall provide and maintain cockpit check lists and procedures for all aircraft operated in air transportation (§ 42.14)

Certain administrative difficulties involving the interpretation and application of this amendment have resulted in delaying the air carriers in fully complying with the regulation by its present effective date. We are advised that an additional period of 60 days will allow a sufficient period of time for full compliance with this requirement.

This amendment therefore extends the date on which cockpit check lists are to be required until July 19, 1948.

For the reasons stated above notice and public procedures hereon are impracticable. Since no additional burden is imposed on any person, the amendment may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of Amendment 42–9 of Part 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) from May 20, 1948, to July 19, 1948.

(Secs. 205 (a) 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-4680; Filed, May 24, 1948; 8:53 a. m.]

[Civil Air Regs., Amdt. 61–19]

PART 61—SCHEDULED AIR CARRIER RULES

COCKPIT CHECK LIST

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of May 1948.

Civil Air Regulations Amendment 61–18 (13 F. R. 2160) adopted by the Civil Aeronautics Board April 16, 1948, effective May 20, 1948, provided that each air carrier shall provide and maintain cockpit check lists and procedures for all aircraft operated in air transportation (§ 61.343)

Certain administrative difficulties involving the interpretation and application of this amendment have resulted in delaying the air carriers in fully complying with the regulation by its present effective date. We are advised that an additional period of 60 days will allow a sufficient period of time for full compliance with this requirement.

This amendment therefore extends the date on which cockpit check lists are to be required until July 19, 1948.

For the reasons stated above notice and public procedures hereon are impracticable. Since no additional burden is imposed on any person, the amendment may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of Amendment 61–18 of Part 61 of the Civil Air Regulations (14 CFR, Part 61, as amended) from May 20, 1948, to July 19, 1948.

(Secs. 205 (a) 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-4681; Filed, May 24, 1948; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 451—BOAT AND WHARF PRIVILEGES ON CERTAIN RESERVOIRS

CROSS REFERENCE: For addition to the tabulation in Part 451, see Federal Register document 48-4642 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra.*

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 790, Amdt. 2]

PART 95—CAR SERVICE

FURNISHING CARS FOR RAILROAD COAL SUPPLY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of May A. D. 1948.

Upon further consideration of Service Order No. 790 (12 F R. 7791), and good cause appearing therefor: *It is ordered,* That:

Section 95.790 *Furnishing cars for railroad coal supply* of Service Order No. 790, be, and it is hereby amended by substituting paragraph (e) hereof for paragraph (e) thereof, and further amended by adding the following paragraphs (g) and (h) thereto:

(e) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(g) *Reporting 16 day supply required.* Any common carrier by railroad subject to the Interstate Commerce Act having acquired under the provisions of this section a total supply of fuel coal, including fuel coal stock piled or in cars held loaded on its lines, in the amount of 16 days' supply, shall immediately through its chief operating officer certify that fact to the Director, Bureau of Service, Interstate Commerce Commission, Washington 25, D. C.

(h) *Information to be furnished.* Carriers subject to this section shall furnish the Bureau of Service, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this order and to indicate with respect to each mine how many such cars were in excess of the weekly distributive share of car supply of such mine.

It is further ordered, That this amendment shall become effective at 11:59 p. m., May 31, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P BARTEL, *Secretary.*

[F. R. Doc. 48-4650; Filed, May 24, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 910]

FRESH PEAS AND CAULIFLOWER GROWN IN THE COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE, IN COLORADO

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–1949 FISCAL YEAR

Consideration is being given to the following proposals, submitted by the Administrative Committee, established under amended Marketing Agreement No. 67 and amended Order No. 10 (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache, in the State of Colorado, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $2,350.00 will be necessarily incurred during the fiscal year beginning June 1, 1948, and ending May 31, 1949, both dates inclusive, for the maintenance and functioning of the said Administrative Committee established under the aforesaid amended marketing agreement and order.

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler of fresh peas or cauliflower shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at $1.25 per straight car of peas or cauliflower or per mixed car of peas and cauliflower shipped, and when less than a carload is shipped, at one-half cent ($0.005) per bushel of peas or per crate of cauliflower or the respective equivalent quantities thereof, but in no event shall the assessment be in excess of $1.25 on a shipment of peas or cauliflower less than a carload lot, or mixed shipment thereof less than a carload lot.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than midnight of the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be submitted in quadruplicate.

As used herein, "handler" "shipped" and "shipment" shall have the same meaning as is given to each such term when used in said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 910.6)

Issued this 19th day of May 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-4647; Filed, May 24, 1948; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8973]

ALLOCATION OF FREQUENCIES BETWEEN 72 AND 76 MC

NOTICE OF ERRATUM

MAY 13, 1948.

The notice of proposed rule making in the above entitled proceeding (13 F. R. 2591) should be corrected as follows: Appendix I, line 2, change the frequency "72.06" to read "72.06, 72.10"

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4661; Filed, May 24, 1948; 8:50 a. m.]

[47 CFR, Part 3]

[Docket Nos. 8975, 8736]

PROCEDURE GOVERNING HOLDING OF TELEVISION HEARINGS

NOTICE OF PROPOSED RULE MAKING

MAY 21, 1948.

As a result of the adoption of May 5, 1948, of the notice of proposed rule making in the matter of amendment of § 3.606 of the Commission's rules and regulations (Dockets No. 8975 and 8736), the Commission has adopted the following policy with respect to the postponement of the proceedings on television applications for construction permits now scheduled for hearing:

1. Hearings on applications for television construction permits in areas where changes in channel assignments are not contemplated by the notice of proposed rule making will not be continued by the Commission on its own motion. If, however, petitions for the addition of channels to any of these areas are received by the Commission by May 28, 1948, the hearings on applications for such areas will be postponed at least until termination of the proposed rule making proceeding.

2. Hearings on applications for television construction permits in areas where the assignment of additional channels is contemplated by the notice of proposed rule making or is requested by a petition filed on or before May 28, 1948, will be postponed by the Commission on its own motion until termination of the proposed rule making proceeding. At that time, if new channels are added, new hearing dates will not be scheduled for at least 30 days after the changes in the rule become effective in order that prospective new applicants may file their applications.

3. Hearings on applications for television construction permits in areas where the notice of proposed rule making proposes to decrease the number of channels presently assigned will not be continued by the Commission on its own motion.

4. Hearings on applications for television construction permits in areas where only channel #1 was assigned, and where the notice of proposed rule making proposes the assignment of another channel therefor, will be postponed on the Commission's own motion. In all other cases where substitution of channels is proposed in the notice of proposed rule making or is requested by a petition filed on or before May 28, 1948 but no change in classification or stations is involved, hearings on applications for construction permits will not be postponed on the Commission's own motion. If a change in classification of station is proposed either in the notice of proposed rule making or is requested in a petition filed on or before May 28, 1948, the hearing will be continued on the Commission's own motion.

5. In those situations where the assignment or proposed assignment to a community includes both metropolitan and community stations, and where a change is proposed or requested with respect to one classification but not the other, the Commission will on its own motion continue hearings with respect to applications in the former category but will not on its own motion continue hearings on applications in the latter category.

6. Petitions or requests for any change in § 3.606 will not be considered in the above proceeding unless filed on or before May 28, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4704; Filed, May 24, 1948; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

RESERVOIRS OF COLORADO-BIG THOMPSON, NORTH PLATTE, KENDRICK, AND MIRAGE FLATS PROJECTS

PUBLIC USE REGULATIONS

APRIL 20, 1948.

The following regulations supersede those dated May 26, 1947, and published in the FEDERAL REGISTER of July 25, 1947. They have been established to assure safest and fullest possible recreation use of the reservoirs of the Colorado-Big Thompson, North Platte, Kendrick, and Mirage Flats Projects of the Bureau of Reclamation compatible with the uses and primary purposes for which such reservoirs were constructed. These areas are in part public playgrounds and should be enjoyed to the fullest extent. Adherence to these regulations will help assure that enjoyment.

1. *Permits.* (a) *Boating permit.* Any person desiring to place a boat (including all types of floating craft) on any of the reservoirs of the Colorado-Big Thompson, North Platte, Kendrick or Mirage Flats Projects of the Bureau of Reclamation, must first obtain a permit to do so. An application form for such a boating permit may be obtained in person or by writing the project office of the Bureau of Reclamation concerned or any other office later designated. The project offices and their locations are as follows:

Colorado-Big Thompson Project—Bureau of Reclamation, Estes Park, Colorado.
North Platte Project—Bureau of Reclamation, Casper, Wyoming.
Kendrick Project—Bureau of Reclamation, Casper, Wyoming.
Mirage Flats Project—Bureau of Reclamation, Hemingford, Nebraska.

The permit will be issued for use of the boat on the project concerned, following receipt of the application and the fee for such permit, the amount of which is defined in the boat classification given below. The permittee will be furnished a permit card which must be available for inspection at all times while his boat is being used on any of the project reservoirs. In addition, each permittee will be assigned a license number corresponding to that of his permit that must be displayed in a conspicuous place and in a legible manner on the prow of the boat in metal or painted numerals at least three inches in height. Permits shall continue in force until the end of the calendar year during which they are issued, unless revoked for a violation of laws or of the public use regulations. Permits may be transferred with the boat at no additional cost upon sale of such boat, provided notice of that sale is furnished the Bureau of Reclamation at the office of issue. Where deemed desirable, the Bureau of Reclamation may issue a boating permit for more than one project, where such projects are in close relationship to each other.

Permit rates by boat classes:

I. Boats for personal use:
A. Manually operated craft—$1.00.
B. Sailboats and motorboats with overall length of 16 feet or less—$2.00.
C. Sailboats and motorboats with overall length of more than 16 feet and not more than 26 feet—$4.00.
D. Sailboats and motorboats with overall length of more than 26 feet—$6.00.
II. Boats for hire (including boats operated for fee or profit either as direct charge to a second party or as incident to other services provided to the second party).
A. Manually operated craft—$2.00.
B. Sailboats and motorboats with overall length of 16 feet or less—$4.00.
C. Sailboats and motorboats with overall length of more than 16 feet and not more than 26 feet—$8.00.
D. Sailboats and motorboats with overall length of more than 26 feet—$12.00.

The number of permittees under this class (Class II) for a certain reservoir may be restricted by the Bureau of reclamation if such restriction is necessary in order to properly operate and care for the reservoir and its recreational values. Permission to place boats for hire on a reservoir for one year does not guarantee in any way that the same permittee will be allowed the same privilege or have priority for that privilege in the following year or years unless it has been covered by lease or concession contract with the Bureau of Reclamation.

Manually operated craft are all craft whose movement through the water during the boating year is dependent entirely upon manual propulsion.

Sailboats are craft whose movement through the water at any time during the boating year is dependent upon the use of sails.

Motorboats are craft whose movement through the water at any time during the boating year is dependent upon the use of an inboard or outboard motor or engine. Some boats might be classified as both sailboats and motorboats as defined but separate differentiation need not be here made since the same permit classes include both types of boats.

Over-all length is the longest distance between the two outer extremities of the boat or any permanent structure attached thereon.

All types of boats are allowed on the reservoirs with the exception of what is commonly known as a houseboat.

(b) *Dock, pier boathouse, mooring permit.* Each boating permit issued according to the above provisions carries permission to install a dock, pier, boathouse, or mooring suitable for the boats covered by it, but in a manner, design, and location agreeable to the Bureau of Reclamation, providing that, in the opinion of the Bureau of Reclamation, such installation is desirable. Before installation of dock, pier, boathouse, or mooring is made on any of the reservoirs of a specific project, approval in writing must be obtained through the office that issued the boating permit. The docks, piers, boathouses, and moorings are subject to relocation or removal at the discretion of the Bureau of Reclamation in the best interest of the project.

(c) *Compliance with Federal and State laws.* The operations of each permittee shall at all times be conducted in accordance with all applicable Federal and State laws and the rules and regulations issued thereunder. Failure of the permittee to abide by any of the terms or conditions of any applicable Federal or State laws, or rules and regulations issued thereunder, shall cause the permit to be subject to immediate termination at the option of the United States.

2. *Safety equipment requirements.* (a) Each manually operated craft, sailboat, or motorboat in use at any time between sunset and sunrise shall carry a lantern or other suitable light visible all around the horizon.

(b) Each manually operated craft, sailboat, or motorboat must be provided with the following:

(1) An anchor of sufficient size and a chain, cable, or rope of sufficient length and strength to hold the boat in case of accident, storm, or other emergency.

(2) Paddles or oars.

(3) Efficient life preservers equal in number to the maximum number of persons to be carried.

(4) A ready means of hand bailing or, if this would be impossible or impractical due to the boat's size or construction, adequate bilge pumps.

(c) Metal boats of any type must have sufficient air chambers, tanks, or flotation gear to safely hold up the boat when filled to proper carrying capacity should accident or other emergency necessitate their doing so.

(d) Specific safety requirements for motorboats:

(1) Motorboats with inboard engines must have:

(i) A flame arrester on the carburetor, if the combustion air is taken from below the deck line or from the engine compartment.

(ii) A provision for adequate ventilation of the engine compartment.

(iii) One of the following types of fire extinguishers:

1 quart carbon tetrachloride or 1¼ gallons foam, or 4 pounds CO_2.

(2) Motorboats with outboard engines must have:

(i) Mufflers or silencing devices.

3. *General traffic rules.* (a) When boats are approaching each other head-on or so nearly as to endanger collision, it shall be the duty of each to turn to the right to pass the other.

(b) When two boats are crossing so as to involve risk of collision, the boat which has the other on her starboard or right side shall keep out of the way of the other boat.

(c) A boat overtaking any other boat shall keep out of the way of the overtaken boat.

(d) The following takes precedence when a meeting occurs between boats of different classifications: Manually oper-

ated craft take precedence over all other craft. Sailboats take precedence over motorboats but must give way to manually operated craft. Motorboats must give way to all other types of craft.

(e) All motorboats must remain at a reasonably safe distance from manually operated craft and sailboats, and must not circle same or approach in such a manner or close enough to cause waves or spray to inconvenience occupants of those boats.

(f) Motorboats must reduce speed when approaching or leaving public boat launching and landing areas so as not to create undue disturbance to the water or interference with other boats.

(g) No boat can approach closer than 200 feet to any dam or other restricted water area as designated unless duly authorized by the Bureau of Reclamation.

4. *Safety rules and procedures.* (a) The number of people riding in a boat shall not exceed its proper carrying capacity.

(b) In case of distress three quickly repeated signals repeated at regular intervals should be used. These signals could be made by calling, whistling, waving a flag or lighted flashlight, or by other means. Anyone is morally obligated to rescue the party in distress, but if he is incompetent to do so; he is obligated to notify Bureau of Reclamation personnel, boaters, picnickers, or other persons of the evident need for aid. A rescue party may cause the signaler considerable expense. The distress signal, like the S. O. S., is never to be used except when life or property is actually in danger, and outside help must be obtained. Whoever receives such distress signals should acknowledge it in a practical manner, preferably by two signals of similar character as received, repeated at regular intervals.

(c) Because of the possibility of fire, the motor or engine of inboard motorboats must be started and running before any passengers are loaded. Refueling operations of such boats will be carried on at a safe distance from the public use areas except public boat docks. Such boats must not be refueled with passengers on board.

(d) All boats used for passenger service must be operated at all times by a competent and experienced operator while in such use.

(e) Boats which in the opinion of the representatives of the Bureau of Reclamation, whose opinion shall be final and conclusive, are not properly constructed, operated, or maintained, shall not be permitted to be placed or remain on the waters of the reservoirs.

(f) Small boats shall be securely anchored or tied up when not in use. Boats found floating loose on the reservoir may be taken up; and the permittee shall be liable to the United States for any expense incurred in making the boat secure. Owners thereof shall be liable to the United States for any damage done by their boat to works of the United States. Boats shall not be left in the reservoir proper during the winter months.

5. *Regattas and racing.* Regattas and racing are prohibited unless duly authorized by the Bureau of Reclamation.

6. *Violation of regulations.* The permit of any person violating any of the foregoing regulations may be revoked, and such person shall remove his boat and dock, pier, boathouse, or mooring, where installed, from the reservoir and lands adjacent to the reservoir; failing to do so the offending boat and dock, pier, boathouse, or mooring, where installed, may be removed and held for the costs of removal.

7. *Public boat launching and landing.* The Bureau of Reclamation may restrict certain areas, when and where necessary, for the exclusive purpose of public boat launching and landing.

8. *Cars.* Cars must be confined to roads and parking areas. Roads must not be used for parking where parking areas have been designated.

9. *Swimming.* Swimming is permitted except within 500 feet of any dam or other restricted water area as designated.

10. *Airplanes.* Airplanes must not land on or take off from the reservoirs.

11. *Fires.* The Bureau of Reclamation may restrict or prohibit, when and where necessary, the building of fires. Where fires are allowed they may be built only where they will not damage live trees, shrubs, grass, or other plants. Fires may not be left unattended and must be extinguished before leaving. Only dead trees and brush may be used for fires where firewood has not been furnished. Lighted matches, cigarettes, cigars, and ashes should never be thrown on the ground without first being extinguished.

12. *Sanitation.* Refuse, garbage, rubbish, or waste of any kind shall not be placed or thrown in the reservoir waters or on any of the United States lands adjacent to the reservoir, but shall be burned or buried or disposed of at designated points or places assigned for the sanitary disposal thereof.

13. *Picnicking.* Picnicking is allowed on the United States lands adjacent to the reservoir except when and where the Bureau of Reclamation finds it necessary to restrict or prohibit such use. Any area used for picnicking must be cleaned after using.

14. *Damage to property.* The destruction, injury, defacement, or removal of public property or vegetation (trees, shrubs, and other plants), rock, or minerals is prohibited.

15. *Order.* No person who is under the influence of intoxicating liquor or narcotic drugs shall be permitted upon Government lands adjacent to the reservoirs, in boats on the water, or in or upon the waters of the reservoirs.

16. *Disorderly conduct.* Persons who render themselves obnoxious by disorderly conduct or by bad behavior will be summarily removed from the Government lands adjacent to the reservoirs or from the waters or from on the waters of the reservoirs.

17. *Camping.* The Bureau of Reclamation may restrict or prohibit camping when and where necessary. Campers shall occupy only those sites designated by the Bureau of Reclamation or its representative and limitations may be established on the time allowed for camping in any public camping area. Campers shall keep their campsites clean. The digging or levelling of the ground in any campsite without permission is prohibited. Camps must be completely razed and sites cleaned before campers depart from the campsite.

18. *Construction of facilities and changing reservoir shoreline.* The installation or construction of any facility on the United States lands adjacent to the reservoir or any change in the shoreline of the reservoirs is prohibited unless due authority is given by the Bureau of Reclamation for such installation, construction, or change to be made.

19. *Private notices and advertisements.* Private notices and advertisements shall not be posted, distributed, or displayed on the United States lands adjacent to the reservoir except such as the Bureau of Reclamation may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

20. *Establishment of businesses on Bureau of Reclamation lands.* No person, firm, or corporation or their representatives shall engage in or solicit any business on a reservoir or the United States lands adjacent to the reservoir without permission in writing from the Bureau of Reclamation or in accordance with terms of a lease or concession contract with the Bureau of Reclamation.

21. *Concession and other charges to public.* A concession or other business operating on a reservoir or on the United States lands adjacent to the reservoir must post the charges for its services, refreshments, and other items in conspicuous places, and such prices shall be within reason.

22. *Hunting and fishing.* Hunting and fishing are permitted upon compliance with the laws, rules and regulations prescribed by the State concerned, but subject to such additional regulations as may be issued by the United States in order to protect the reservoir or other project features or to protect the area as a Fish and Wildlife Service Refuge if it has been so established: *Provided, however,* That no hunting will be permitted on any Bureau of Reclamation lands lying within the exterior boundaries of Rocky Mountain National Park.

23. *Firearms.* The carrying of firearms is prohibited on reservoirs or on United States lands adjacent to the reservoirs except when and where hunting is allowed in compliance with section 22 above.

24. *Waiver of liability.* The main purpose of Reclamation reservoirs is to impound water for irrigation and other regulatory purposes. Accordingly, any person at any time going in or upon the waters thereof or upon any of the structures or lands upon the margin thereof, or upon adjacent lands belonging to the United States, and held in reserve for the use in connection therewith, whether as lessee, contractee, or permittee of the United States, or otherwise, thereby assumes all risks of injury to or death of himself by damage to or destruction of property resulting directly or indirectly, wholly or in part, from said reservoir or appurtenant structures, or their con-

struction, operation, and control by the United States.

BUREAU OF RECLAMATION,
By MICHAEL W STRAUS,
Commissioner

[F. R. Doc. 48-4642; Filed, May 24, 1948; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

PROPOSED VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR UNITED STATES ATOMIC ENERGY COMMISSION PROJECTS

NOTICE OF PUBLIC HEARING

In order to carry out the requirements of Executive Order 9919 (13 F. R. 59) and acting under the authority vested in me by said Executive order,

Notice is hereby given that a public hearing will be held on Friday, the 4th day of June 1948, at 10:00 a. m., d. s. t., in the Auditorium on the street floor of the Department of Commerce Building, 14th Street, between E Street and Constitution Avenue, in the City of Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for United States Atomic Energy Commission Projects, of which plan a copy is set forth in Appendix A hereto.

The proposed plan has been formulated after consulting with representatives of the steel producing industry and with officials of the United States Atomic Energy Commission.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Corporation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., d. s. t., on Tuesday, the 1st day of June 1948. Persons desiring to present written statements or memoranda should submit them at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

APPENDIX A

Proposed voluntary plan for allocation of steel products for United States Atomic Energy Commission Projects.

1. Each steel producer participating herein will, during the period beginning July 1, 1948, and ending February 28, 1949, make steel products available or will cause steel products to be made available, of the types and in the periods shown in Schedule A hereto annexed[1] and in the quantities set forth therein opposite the same of such steel producer, for United States Atomic Energy Commission Projects, out of the production of its own mill or the mills of a subsidiary or of an affiliate of such steel producer. Such steel products will be made available, to prime contractors for the Commission or to their sub-contractors, or to steel fabricators supplying or under contract to supply steel products to such prime contractors or their sub-contractors. Each such steel producer will, however, give consideration to making available such additional amounts as may be requested of it by the Secretary of Commerce. Such steel products will be so made available under such contractual arrangements as may be made by such contractor, sub-contractor or fabricator with such steel producer or its subsidiary or affiliate, and no request or authorization will be made by the Department of Commerce relating to allocation of orders or customers or to the delivery of steel products or the allocation of business among such prime contractors, sub-contractors or fabricators, nor will any request or authorization be made to such steel producers for any limitation or restriction on the production or marketing of any such steel products. In each case the purchase order shall express the undertaking of the purchaser that the steel products ordered will be utilized only for fulfillment of contracts for construction work of the Commission at a Project or Projects to be specified on such purchase order.

2. Each such steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942), report to it the total quantities of each such steel product shipped by it, pursuant to such purchase orders, in any of the periods set forth in the above-mentioned schedule.

3. Each steel producer participating herein will make available or cause to be made available only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products, and the quantities of steel products which it will make available or cause to be made available in any period stated in said schedule may be reduced, or at its option the delivery thereof may be postponed in direct proportion to any production losses which it or such subsidiary or affiliate shall sustain during any such period due to causes beyond its or their control.

4. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available are actually sold and delivered.

5. Any such steel producer may withdraw from this plan by giving not less than sixty days' written notice of its intention so to do to the Secretary of Commerce.

6. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers by the Secretary of Commerce, any such steel producer may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such steel producers as notify the Secretary of Commerce in writing that they will comply with such requests.

7. This plan shall cease to be effective at the close of business on February 28, 1949, or at such earlier time as may be determined by the Secretary of Commerce.

[1] Schedule A will be submitted at the public hearing. The aggregate tonnage of steel products involved in the program for the period from July 1948 to February 28, 1949, is approximately 160,000 tons.

[F. R. Doc. 48-4724; Filed May 24, 1948; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

BROADCAST STATIONS IN FOREIGN COUNTRIES

PROCEDURE FOR TAKING FIELD STRENGTH MEASUREMENTS

MAY 14, 1948.

The Department of State has advised the Commission of a recent incident in which representatives of a broadcasting station in the United States visited another of the North American countries and were found by the authorities of the latter country to be making measurements of the signals of a station in that country. The making of such measurements was without prior clearance with either the authorities of the United States or of the country in which the measurements were being made.

Activity such as that described above results in unnecessary embarrassment not only to the persons involved but also to the international relations between the United States and its neighbors. It is therefore essential that further incidents of this nature be avoided.

In this connection the attention of interested parties is directed to the existence of the North American Regional Broadcasting Engineering Committee (NARBEC) That Committee exists by agreement between the United States, Canada, Cuba, Dominican Republic, Bahama Islands, and Newfoundland, contained in Article XII and Annex 3 of the Interim Agreement, now in effect, reached at the Second North American Regional Broadcasting Conference, 1946. NARBEC provides a means for the conduct of engineering studies and measurements in the field of standard broadcasting on a cooperative basis on matters of mutual interest. Paragraph (D) of Annex 3 provides:

D. When any Government signatory or adhering to this Agreement has reason to believe that interference in excess of that permitted by this Agreement is being caused to any station located in that country as a result of the operation of a station located in another country signatory or adhering to this Agreement, such Government shall notify its representative on the North American Regional Broadcasting Engineering Committee and the Government of the country in which the alleged interfering station is located that it has reason to believe that excessive interference is being caused and shall state the general character of such interference. On receipt of the notice, the Government to which it is addressed will refer the same to its committee member. Within ten days the interested committee members shall meet at the location of the alleged interfering station and make such measurements as appear necessary to determine material facts bearing upon the issues raised in the complaint.

Licensees having information indicating a necessity for investigation by NARBEC should bring such information to the attention of the Commission for its consideration.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4653; Filed, May 24, 1948; 9:34 a. m.]

[Docket Nos. 8624, 8993]

NUTMEG STATE BROADCASTING CO., AND CONNECTICUT RADIO FOUNDATION, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Nutmeg State Broadcasting Company, Waterbury, Connecticut, File No. BPCT–204, Docket No. 8624; Connecticut Radio Foundation, Inc., Waterbury, Connecticut, File No. BPCT–456, Docket No. 8993; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of May 1948;

The Commission having under consideration the above-entitled applications for construction permits for television broadcast stations at Waterbury, Connecticut;

It appearing, that the applications are mutually exclusive, because each applicant requests full time operation on the one channel allocated to the Waterbury, Connecticut, metropolitan district under § 3.606 of the Commission's rules and regulations;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–4654; Filed, May 24, 1948; 8:49 a. m.]

[Docket Nos. 8914–8917, 8993]

JOHNSON-KENNEDY RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Johnson-Kennedy Radio Corporation, Chicago, Illinois, Docket No. 8914, File No. BPCT–187; Columbia Broadcasting System, Inc., Chicago, Illinois, Docket No. 8915, File No. BPCT–190; Sun and Times Company, Chicago, Illinois, Docket No. 8916, File No.-BPCT–196; Zenith Radio Corporation, Chicago, Illinois, Docket No. 8917, File No. BPCT–322; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 8980, File No. BPCT–419; for construction permits for television stations.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of May 1948;

The Commission having under consideration the above-entitled application (File No. BPCT–419) requesting a construction permit for a television broadcast station to operate unlimited time on a television channel allocated to the Chicago, Illinois, metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that on April 8, 1948, the applications for television stations for the Chicago metropolitan district exceeded in number the unassigned channels allocated to said district, and that on the same day said applications were designated for consolidated hearing by order of the Commission;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Warner Bros. Pictures, Inc., be, and it is hereby, designated for hearing in a consolidated proceeding with other applications pending for Chicago stations, File Nos. BPCT–187, BPCT–190, BPCT–196 and BPCT–322, at a time and place to be designated by the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine whether a grant of the Johnson-Kennedy Radio Corporation and the Columbia Broadcasting System applications File Nos. BPCT–187 and BPCT–190 respectively, would be in conflict with § 3.640 (multiple ownership) of the Commission's rules and regulations.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–4656; Filed, May 24, 1948; 8:49 a. m.]

[Docket No. 8925]

RADIOMARINE CORP. OF AMERICA

ORDER CONTINUING HEARING

In the matter of Radiomarine Corporation of America; new ship station charges in connection with Ship Telephone Service to and from vessels on the Great Lakes.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 21st day of May 1948;

The Commission, having under consideration its order of April 14, 1948, in the above-entitled proceeding suspending certain revised tariff schedules of Radiomarine Corporation of America applicable to Ship Telephone Service on the Great Lakes; and having also under consideration a petition filed with the Commission on May 10, 1948, by Radiomarine requesting continuance of the hearing herein now scheduled for May 17, 1948, and also requesting permission to make appropriate tariff filings to continue the suspension of the above-mentioned tariff schedules for a period equal to the amount of time by which the hearing is continued;

It is ordered, That the hearing herein now scheduled for May 17, 1948, is continued to July 6, 1948, at the same time and place heretofore designated;

It is further ordered, That special permission is granted to Radiomarine Corporation of America to file its Supplement No. 2 to its Tariff FCC No. 8, applicable to Ship Telephone Service on the Great Lakes, extending from July 19, 1948 to September 7, 1948 the effectiveness of the charges, regulations, practices and services sought to be changed by the above-mentioned suspended tariff schedules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–4662; Filed, May 24, 1948; 8:50 a. m.]

[Docket Nos. 8981, 8982]

MIDLAND BROADCASTING CO. AND KFEG, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Midland Broadcasting Company, St. Joseph, Missouri, Docket No. 8981, File No. BPCT-269; KFEG, Inc., St. Joseph, Missouri, Docket No. 8982, File No. BPCT-425; for construction permits for television stations.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of May 1948;

The Commission having under consideration the above-entitled applications for construction permits for television stations in the St. Joseph, Missouri metropolitan district; and

It appearing, that the applications are mutually exclusive, because each applicant requests full time operation on the one channel allocation to the St. Joseph, Missouri metropolitan district under § 3.606 of the Commission's rules and regulations;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues;

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending application for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4657; Filed, May 24, 1948; 8:49 a. m.]

[Docket Nos. 8983, 8984]

KWHN BROADCASTING CO., INC. (KWHN AND KWHN-FM)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KWHN Broadcasting Company, Inc. (KWHN and KWHN-FM) Fort Smith, Arkansas, for AM broadcast license, File No. BL-2816, Docket No. 8983; for extension of completion date of FM station, File No. BMPH-1782, Docket No. 8984.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of May 1948.

The Commission having under consideration the above-entitled applications requesting (1) a license to cover construction permit for a new standard broadcast station to operate 1320 kc, 5 kw day, 500 watts night, unlimited time, at Fort Smith, Arkansas, and (2) an extension of time for construction of a new Class B FM station also at Fort Smith, Arkansas; and

It appearing, that, on May 2, 1946, the Commission granted the application (BP-4254) of KWHN Broadcasting Company, Inc. for construction permit for the aforesaid new standard broadcast station and on February 14, 1947, granted the application (BPH-804) of KWHN Broadcasting Company, Inc. for a construction permit for a new Class B FM station, both to be located at Fort Smith, Arkansas; and

It further appearing, upon the basis of information recently obtained by the Commission, that statements and representations in the various applications filed by said applicant may not correctly, accurately and truthfully state the facts with respect to the ownership, operation, control and financing of the said applicant and the said stations; and that in view of such statements and representations the operation of the said stations by the applicant would appear to be against the public interest.

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above applications of KWHN Broadcasting Company, Inc., for license to cover construction permit for an AM station (BL-2816) and for extension of time for completion of a new Class B FM station (BMPH-1782) be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, financial and other qualifications of the applicant, its officers, directors and stockholders to construct and operate the proposed AM and FM broadcast stations.

2. To determine whether the statements and representations made in the various applications, documents and reports filed with the Commission on behalf of the applicants by its officers, directors, stockholders, or agents, have fully and accurately reflected the facts concerning the ownership, operation, control and financing of the proposed AM and FM broadcast stations and to determine further whether these statements and representations have been executed as represented.

3. To determine whether all contracts, obligations, undertakings, and agreements which have been entered into by the applicant, its officers, directors or stockholders, with respect to the ownership, operation, financing and control of the applicant, have been reported to the Commission as required by its rules and regulations.

4. To determine whether the construction permits granted to the applicant corporation, or the rights and responsibilities incident thereto, have been transferred, assigned, or disposed of directly or indirectly, without the consent of the Commission, under the provisions of the Communications Act of 1934, as amended, particularly sections 310 (b) and 319 (b) thereof.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4655; Filed, May 24, 1948; 8:49 a. m.]

[Docket No. 8986]

CLARK'S TOWING CO. DIVISION OF THE PETCO CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Clark's Towing Company Division of the Petco Corporation; application for construction permit for a public coastal harbor station at Milwaukee, Wisconsin (File No. 6519-Fl-P-C)

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 12th day of May 1948;

The Commission, having under consideration an application filed by Clark's Towing Company Division of the Petco Corporation, on November 17, 1947, for construction permit for a public coastal harbor station at Milwaukee, Wisconsin; and

It appearing, that the Commission, upon examination of the above-mentioned application, is unable to determine that public interest, convenience, or necessity would be served by the grant thereof;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that said application is designated for hearing for the following reasons:

1. To determine whether there is a need for the public coastal harbor service proposed to be afforded by the applicant.

2. To determine what effect the availability of the proposed free service of the applicant might have in placing an additional channel load on the Great Lakes shared frequencies.

3. To determine whether there is sufficient circuit time available on the Great Lakes public coastal harbor shared frequencies to permit the operation of the proposed station on such frequencies without occasioning undue interference.

4. To determine what effect the availability of the free service proposed by the applicant may have upon existing

public coastal harbor stations which are providing service in the Milwaukee area.

5. To determine whether the proposed service could and should be afforded through the use of VHF maritime mobile frequencies.

It is further ordered, That the hearing herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 28th day of June 1948:

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4659; Filed, May 24, 1948; 8:50 a. m.]

[Docket No. 8989]

SEISMOGRAPH SERVICE CORP. AND FROST GEOPHYSICAL CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of applications from Seismograph Service Corporation and Frost Geophysical Corporation for construction permits for experimental Class 2 stations to be used for radiolocation purposes in connection with geological exploration for oil deposits in the Gulf of Mexico.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 13th day of May 1948;

The Commission having under consideration the applications of Seismograph Service Corporation and Frost Geophysical Corporation for construction permits for experimental Class 2 stations to be used for radiolocation purposes in connection with geological exploration for oil deposits in the Gulf of Mexico; and

It appearing, that these applications will present various questions concerning the use of radio frequencies for radio navigation and radio location aids; and

It further appearing, that the applications apparently contemplate the ultimate establishment of a radiolocation service to operate in the Gulf of Mexico and other offshore areas and that such service may be operated on a private, cooperative or common carrier basis; and

It further appearing, that the proposed operation may interfere with radio navigation systems or other services now assigned or allocated requested frequencies:

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission, upon the following issues:

1. To determine the nature, extent, and purpose of the operations proposed to be conducted by each applicant.

2. To determine the need for the service proposed to be rendered, with particular reference to the adequacy of existing radiolocation service and to the feasibility of expanding or improving such existing service and facilities if such action should appear to be necessary or desirable.

3. To determine which, if any, frequencies may be available for the proposed service.

4. To determine the extent and manner to which such frequencies, if available, would also be available to other applicants proposing the same type of service in the same area.

5. To determine whether objectionable interference to any established or proposed service or station would result from the operation of the service proposed by the applicant.

6. To determine what, if any, conditions or restrictions concerning use and development of the service proposed by the applicant should be made a part of any grant that might be made herein.

It is further ordered, That any party directly affected which desires to intervene in this proceeding may be given leave to appear upon the submission of a request with the Commission for such appearance within 30 days from the date of publication of this order in the FEDERAL REGISTER.

Section 1.8757 of the Commission's rules and regulations does not apply to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4658; Filed, May 24, 1948; 8:50 a. m.]

[Docket No. 8990]

RCA COMMUNICATIONS, INC.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In the matter of RCA Communications, Inc., applications for modification of licenses to add Tel Aviv, Palestine, as a point of communication.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of May 1948;

The Commission, having under consideration applications (File Nos. 15829 C4-ML-C and 15830 C4-ML-C) filed by RCA Communications, Inc., on May 3, 1948, for modification of licenses for its point-to-point radiotelegraph stations located at Rocky Point, New York and New Brunswick, New Jersey to authorize communications with Tel Aviv, Palestine directly and via the relay station of RCA Communications, Inc. at Tangier;

It appearing, that Mackay Radio and Telegraph Company, Inc., was authorized by the Commission in its order dated December 4, 1947 in Dockets Nos. 7094 and 7412, in the matter of radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points, etc., to communicate directly with Palestine;

It further appearing, that the Commission has this day modified the existing license of Mackay Radio and Telegraph Company, Inc., to communicate with Palestine, so as to authorize it to communicate with Tel Aviv, Palestine, directly and via its relay station at Tangier;

It further appearing, that in view of the lack of public communications services now available between the United States and Palestine, and in view of the necessity of establishing communications service between the United States and Palestine at the earliest possible date, the Commission has this day granted RCA Communications, Inc., special temporary authority for a period of 90 days to communicate directly and via its relay station at Tangier with Tel Aviv, Palestine;

It further appearing, that the Commission, upon examination of the above-described applications of RCA Communications, Inc., for modification of licenses to communicate with Tel Aviv, Palestine, is unable to determine that public interest, convenience, or necessity would be served by the granting thereof;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the foregoing applications are designated for hearing for the following reasons:

1. To determine whether public interest, convenience, or necessity would be served by authorizing RCA Communications, Inc., to communicate with Tel Aviv, Palestine, in the light of all pertinent factors relating to such determination, including, but not limited to, the following:

(a) The extent of public need, if any, for additional telegraph communication facilities between the United States, on the one hand, and the areas in Palestine to be served by the proposed circuits, on the other hand;

(b) The present and expected volume of telegraph traffic, and the revenues therefrom, between the United States and the areas in Palestine to be served by the proposed circuits;

(c) The nature, capacity and adequacy of existing communication facilities between the United States and the areas in Palestine to be served by the proposed circuits;

(d) The extent to which applicant's presently authorized frequencies will be used for operating the proposed circuits between the United States and Tel Aviv, Palestine, and whether such use is the most desirable use of these frequencies and facilities for providing the United States public with rapid and efficient communication service;

(e) The extent to which applicant will be required, in order to give adequate service, to use frequencies and facilities in addition to those now used by it;

(f) The speed, capacity, transmission qualities, and scheduled hours of operation of the circuits proposed in the above applications;

(g) The nature of the service to be rendered by applicant over the proposed circuits, including the classes of service to be offered, the areas to be served

thereby, the charges to be made for each such class, and the division of such charges;

(h) The nature of any contracts, agreements, arrangements, understandings, and routing practices between the applicant and any other carrier, agency, organization, person, or operating administration, in connection with the operation of the circuits proposed in the above applications;

(i) Competition in communication service between the United States and the areas in Palestine to be served by the proposed circuits;

2. To determine, in the event that the application of RCA Communications, Inc. to communicate directly with Tel Aviv, Palestine, is denied, whether public interest, convenience, or necessity would be served by authorizing RCA Communications, Inc., to communicate with Tel Aviv, Palestine, via its relay station at Tangier, in the light of all the pertinent factors specified above in paragraph number (1) and, in addition, the following factors:

(a) The alternate routes, if any, available to the applicant for the movement of traffic to and from the areas in Palestine proposed to be served by applicant;

(b) The division of tolls and speed of service on telegraph traffic between the United States and the areas in Palestine proposed to be served by applicant, moving over such alternate routes, as compared with the division of tolls and speed of service on such traffic moving via Tangier;

(c) The promotion of the most efficient and economical use of frequencies and facilities in furnishing radiotelegraph service between the United States and Tel Aviv, Palestine;

It is further ordered, That the hearing herein be held at a time and place to be designated by the Commission.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-4660; Filed, May 24, 1948; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-968, G-1009]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 20, 1948.

Notice is hereby given that, on May 19, 1948, the Federal Power Commission issued its findings and orders entered May 18, 1948, in the above designated matters, issuing certificates of public convenience and necessity.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-4651; Filed, May 24, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1051]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of May A. D. 1948.

The Chicago Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, $5.00 par value, of General Public Utilities Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 16, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-4644; Filed, May 24, 1948; 8:46 a. m.]

[File No. 7-1052]

REXALL DRUG, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of May A. D. 1948.

The Chicago Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the capital stock, $2.50 par value, of Rexall Drug, Incorporated, a security listed and registered on the Boston Stock Exchange, Los Angeles Stock Exchange, and New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 16, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-4646; Filed, May 24, 1948; 8:46 a. m.]

[File No. 70-1832]

MICHIGAN CONSOLIDATED GAS CO. AND AUSTIN FIELD PIPE LINE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of May A. D. 1948.

Notice is hereby given that a joint application and an amendment thereto has been filed, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Austin Field Pipe Line Company ("Austin Field") and its parent, Michigan Consolidated Gas Company ("Michigan Consolidated") a public utility subsidiary of American Light & Traction Company ("American Light"), a registered holding company subsidiary of The United Light and Railways Company ("Railways"), also a registered holding company. The application, as amended, designates section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 26, 1948, at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 26, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested parties are referred to said application, as amended, which is on file in the office of this Commission for a statement of the transactions therein

proposed, which are summarized as follows:

By order dated December 30, 1947, the Commission approved a plan filed, pursuant to section 11 (e) of the act, by Railways and American Light, which, inter alia, authorized Austin Field to execute a Credit Agreement with and to borrow from banks up to $6,500,000, to finance construction of certain pipeline facilities, and authorized Michigan Consolidated to enter into an agreement to purchase, at or after maturity, the notes issued by Austin Field under this agreement. Austin Field and Michigan Consolidated propose to enter into supplemental agreements with The National Bank of Detroit, The Manufacturer's National Bank of Detroit, The Detroit Bank and the Old Kent Bank, to increase from $6,500,000 to $7,250,000 the maximum amount which may be borrowed under said Credit Agreement and committing Michigan Consolidated to purchase, at or after maturity, the notes evidencing the additional sums borrowed. The application, as amended, states that the present estimated cost of the construction of the initial facilities is $10,160,000 as compared with the previous estimate of $8 599,373, and that the additional $750,000, together with treasury cash, will be used to complete such initial facilities.

Applicants state that the proposed transactions are subject to the jurisdiction of the Michigan Public Service Commission and that when the approval of that Commission is obtained a copy of the order will be filed as an amendment to the application.

It is requested that the Commission enter an order on or before May 26, 1948, granting said application and that said order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-4643; Filed, May 24, 1948; 8:45 a. m.]

JAMES E. SCOTT & CO.

ORDER REVOKING REGISTRATION AND NOT PERMITTING NOTICE OF WITHDRAWAL TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange commission, held at its office in the city of Washington, D. C., on the 18th day of May A. D. 1948.

Proceedings having been instituted on January 6, 1948, to determine whether or not the registration of James E. Scott & Company, 70 Wall Street, New York, New York, as a broker and dealer should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934;

James E. Scott & Co. having filed a notice of withdrawal on December 8, 1947;

A hearing having been held after appropriate notice and the Commission having this day issued its findings and opinion; on the basis of said findings and opinion,

It is ordered, That the notice of withdrawal filed by James E. Scott & Co. be and hereby is not permitted to become effective.

It is further ordered, That the registration of James E. Scott & Co. as a broker and dealer be and hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-4645; Filed, May 24, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11144]

WILLIE STIEBING

In re: Debts owing to Willie Stiebing. D-28-11734-E-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willie Stiebing, whose last known address is Pressel, Torgau, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That portion of the debt or other obligation of The Winters National Bank and Trust Company, Main and Second Streets, Dayton, Ohio, arising out of a savings account, Account Number 5026, entitled Willie Stiebing, which is in excess of the sum of $2800, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Miami Savings and Loan Company, 25 South Main Street, Dayton, Ohio, arising out of a running stock account, Account Number 22243, entitled Willie Stiebing, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 26, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director Office of Alien Property.*

[F. R. Doc. 48-4663; Filed, May 24, 1948; 8:50 a. m.]

[Vesting Order 11199]

EBERHARD FREIHERR VON GEMMINGEN

In re: Debt owing to and bond owned by Eberhard Freiherr von Gemmingen.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eberhard Freiherr von Gemmingen, whose last known address is Babstadt, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Eberhard Freiherr von Gemmingen, by Dominick & Dominick, 14 Wall Street, New York 5, New York, in the amount of $66.14, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Five (5) Mortgage Bank of Chile guaranteed Sinking Fund 6½% Bonds, of $5,000.00 aggregate face value, in bearer form bearing the numbers M13219/22 and 13225, presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4664; Filed, May 24, 1948; 8:50 a. m.]

[Vesting Order 11200]

MARGARET ENKLER

In re: Stock owned by Margaret Enkler. F-28-4128-A-1, F-28-4128-D-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Enkler, whose last known address is Battenberg, Uber Grunstadt, Reinpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Margaret Enkler and presently in the custody of W B. Hibbs and Company, Hibbs Building, 725 Fifteenth Street NW., Washington 5, D. C., together with all declared and unpaid dividends thereon,

b. Four (4) shares of common stock of Pan-American Southern Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 0365, registered in the name of Margaret Enkler and presently in the custody of W B. Hibbs and Company, Hibbs Building, 725 Fifteenth Street NW., Washington 5, D. C., together with all declared and unpaid dividends thereon, and together with the right of exchange thereof for shares of $25 par value capital stock of Standard Oil Company, 910 South Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of Indiana,

c. Two (2) shares of no par value class B common stock of Ward Baking Company, 475 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate B027151, registered in the name of Margaret Enkler and presently in the custody of W. B. Hibbs and Company, Hibbs Building, 725 Fifteenth Street NW., Washington 5, D. C., together with all declared and unpaid dividends thereon, and together with the right of exchange thereof for a warrant or warrants to purchase new common stock of said Ward Baking Company, and

d. Shares of common stock of the corporations listed in Exhibit B, attached hereto, and by reference made a part hereof, held, in the amounts set forth in Exhibit B, by W B. Hibbs and Company, Hibbs Building, 725 Fifteenth Street NW., Washington 5, D. C., in a margin account for Margaret Enkler, together with all declared and unpaid dividends thereon, subject, however, to any and all lawful liens in favor of said W. B. Hibbs and Company, arising out of a debit balance in said margin account,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Certificate No.	Number of shares
The Sperry Corp., 30 Rockefeller Plaza, New York, N. Y.	Delaware	$1 par value common stock	V005051	10
Producers & Refiners Corp.		Common stock	033463	3
The Cuba Co., Flemington, N. J.	New Jersey	$1 par value common stock	017870	2

EXHIBIT B

Issuing corporation	*Number of shares*
United Stores Corp., a Delaware corporation, 31 Nassau St., New York, N. Y.	1
Radio Corp. of America, a Delaware corporation, 30 Rockefeller Plaza, New York, N. Y.	11
Panhandle Producing & Refining Co., a Delaware corporation, 63 Wall St., New York, N. Y.	50
Continental Motors, a Virginia corporation, 205 Market St., Muskegon, Mich.	10
Colonial Airlines, Inc., a Delaware corporation, 630 Fifth Ave., New York, N. Y.	2
American Airlines, Inc., a Delaware corporation, 100 East 42d St., New York, N. Y.	50
Avco Manufacturing Corp., a Delaware corporation, 420 Lexington Ave., New York, N. Y.	50

[F. R. Doc. 48-4666; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11203]

FELIX TEUFEL ET AL.

In re: Check owned by Felix Teufel, Willy Teufel and Clara Teufel.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Felix Teufel, Willy Teufel and Clara Teufel, each of whose last known address is Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation evidenced by a check in the amount of $8.46, payable to Edward Roesler as Sole Surviving Trustee for the benefit of Gertrude Roesler, representing a 2% dividend payment on claim numbered 51890 in the amount of $422.76 allowed Mortgage 15163 guaranteed by Lawyers Mortgage Company (in liquidation) 115 Broadway, New York 6, New York, said check presently in the custody of the Insurance Department, Liquidation Bureau of the State of New York, 160 Broadway, New York 7, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under, including particularly the right to possession of and to present for payment the aforesaid check, together with all rights in and under the aforesaid claim 51890,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Felix Teufel, Willy Teufel and Clara Teufel, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4667; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11192]

MATILDE M. ZIEGLER

In re: Check owned by Mathilde M. Ziegler. F-28-7439-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matilde M. Ziegler, whose last known address is Johannisbergerstrasse 41A, Berlin-Wilmersdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain check, dated December 31, 1947, and bearing number 1255, payable to Hurley & Co., drawn by Lautaro Nitrate Company on Westminster Bank, Ltd., in the amount of two pounds ninepence, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all rights, in to and under, including particularly but not limited to the rights to possession and presentation for collection and payment of, the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Matilde M. Ziegler, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4665; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11204]

GEBRUEDER THEIL G. M. B. H. ET AL.

In re: Claims of Gebrueder Theil G. m. b. H., Erdman & Kirchies, and Emil Jaeger. F-28-8042-C-1, F-28-28756-C-1, F-28-28757-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gebrueder Theil G. m. b. H., the last known address of which is Ruhla 1/ Thuer, Germany, and Erdman & Kirchies, the last known address of which is Aue, Saxony, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal place of business in Germany and are nationals of a designated enemy country (Germany),

2. That Emil Jaeger, whose last known address is Neustadt-Orle, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

3. That the property described as follows: Those certain claims of Gebrueder Theil G. m. b. H., Erdman & Kirchies and Emil Jaeger against Pentlarge & Johnson, 40 Wall Street, New York 5, New York, as depositary of the assets of Marburg Brothers, Inc. (Dissolved) in the amounts set forth below beside their respective names:

Gebrueder Theil G. m. b. H.	$274.14
Erdman & Kirchies	247.03
Emil Jaeger	44.43

and any and all rights in and under said claims,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4663; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11205]

MAXIMILLION VON DZIEMBOWSKI

In re: Stocks, bonds and bank accounts owned by Maximillion Von Dziembowski, also known as Maximilian Von Dziembowski. F28-177-D-1, F-28-177-E-1, F-28-177-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maximillion Von Dziembowski, also known as Maximilian Von Dziembowski, whose last known address is Socking, Near Starnberg, Upper Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Forty-five (45) shares of capital stock of The Port Morris Land & Improvement Company (in Dissolution), c/o The Continental Bank & Trust Company of New York, 30 Broad Street, New York 15, New York, evidenced by a certificate numbered 355, registered in the name of Estate of Lillie Dziembowski, formerly Von Hammerstein, together with all declared and unpaid regular and liquidating dividends thereon,

b. That certain debt or other obligation owing to Maximillion Von Dziembowski also known as Maximilian Von Dziembowski, by Continental Bank & Trust Company, 30 Broad Street, New York, New York, arising out of a Checking Account, entitled Maximilian Von Dziembowski, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. Two (2) United States Treasury 2¾% Bonds of 1956-59, one of $1,000 face value, bearing the number 36518-J, and the other of $5,000 face value, bearing the number 24216-F, both in bearer form, and presently in the custody of George Griswold, Broad Road, Field Point North, Greenwich, Connecticut, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation of The Bowery Savings Bank, 110 East 42d Street, New York, New York, arising out of a Savings Account, account number 623,108, entitled George Griswold, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maximillion Von Dziembowski, also known as Maximilian Von Dziembowski, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4669; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11216]

EMIL SCHMIDT

In re: Estate of Emil Schmidt, deceased. D-28-3469; E. T. sec. 5444.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Schmidt, Paul Schmidt and Emil Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of $146.30 was paid to the Attorney General of the United States by Ferdinand C. Ratzel, Administrator, of the Estate of Emil Schmidt, deceased;

3. That the said sum of $146.30 was accepted by the Attorney General of the United States on October 2, 1947, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $146.30 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4670; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11233]

WILLIAM EISEN

In re: Estate of William Eisen, deceased. File D-28-9904; E. T. 14008.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Eisen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of William Eisen, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by the County Judge of Waukesha County, Wisconsin, Depositary, acting under the judicial supervision of the County Court of Waukesha County, Wisconsin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4671; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11238]

SIMON KIRSCHHAMMER

In re: Estate of Simon Kirchhammer, deceased. File D-28-12248; E. T. sec. 16478.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heribert (Herbert) Maier, Marie M. Weismann and Theresa (Teresa) M. Lemke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Simon Kirchhammer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Ira D. Gumbert, as administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4672; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11242]

CHRISTINE (CHRISTINA) WAIDECK

In re: Estate of Christine (Christina) Waideck, deceased. File No. D-28-12158; E. T. sec. 16362.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Prinz, Caroline Domrad, Eliza Hauterman and Elvira Schnass, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the heirs, names unknown, of Eliza Hauterman, who there is reasonable cause to believe are residents of Ger-

many, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Christine (Christina) Waldeck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Otto Boehm, as executor, acting under the judicial supervision of the Probate Court for the County of Wayne, Detroit, Michigan;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Eliza Hauterman, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4673; Filed, May 24, 1948; 8:51 a. m.]

[Vesting Order 11244]

DEUTSCHE CHEMISCHE GESELLSCHAFT

In re: Debt owing to Deutsche Chemische Gesellschaft. F-28-21711-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Chemische Gesellschaft, the last known address of which is Sigismundstrasse 4, Berlin W 35, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Deutsche Chemische Gesellschaft, by E. I. Du Pont de Nemours and Company, 1007 Market Street, Wilmington 98, Delaware, in the amount of $342.10, as of June 14, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4674; Filed, May 24, 1948; 8:52 a. m.]

[Vesting Order 11245]

CHARLEY DIRR

In re: Bank account owned by Charley Dirr. F-28-23981-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charley Dirr, whose last known address is Heilbronn, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Charley Dirr, by The Fifth Third Union Trust Co., Cincinnati 1, Ohio, arising out of a Savings Account, account number 14518, entitled Charley Dirr, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4675; Filed, May 24, 1948; 8:53 a. m.]

[Vesting Order 11246]

MARIE HERZOG

In re: Bank account owned by Marie Herzog. F-28-14685-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Herzog, whose last known address is Rehna, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Marie Herzog, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a savings account, account number 1,373,796, entitled Marie Herzog, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4676; Filed, May 24, 1948; 8:53 a. m.]